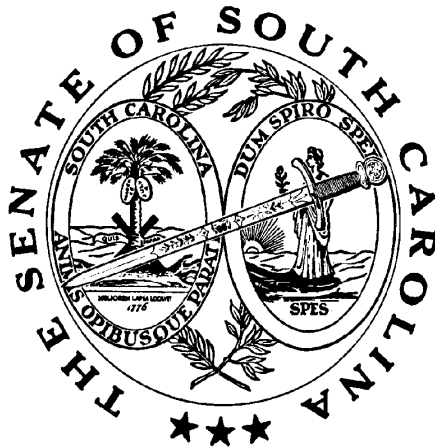


NO. 26

**JOURNAL**  
**OF THE**  
**SENATE**  
**OF THE**  
**STATE OF SOUTH CAROLINA**



**REGULAR SESSION BEGINNING TUESDAY, JANUARY 13, 2009**

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**WEDNESDAY, MARCH 4, 2009**

**Wednesday, March 4, 2009**  
**(Statewide Session)**

~~Indicates Matter Stricken~~  
Indicates New Matter

The Senate assembled at 2:00 P.M., the hour to which it stood adjourned, and was called to order by the PRESIDENT.

A quorum being present, the proceedings were opened with a devotion by the Chaplain as follows:

The prophet, Isaiah, declares:

“I delight greatly in the Lord, my soul rejoices in my God.”  
(Isaiah 61:10)

Let us pray:

We truly rejoice in your blessings, dear Lord. You continue to bestow riches upon us in ways that take our breath away. The very people of this State, the rich history which we cherish, the prospects of a strong and vibrant future: for these very gifts here in South Carolina, we give You thanks, O God. Guide each of these leaders as they work together for the common good; bless them as they strive to do their absolute best for this State. In Your name we pray, Lord.  
Amen.

The PRESIDENT called for Petitions, Memorials, Presentments of Grand Juries and such like papers.

**MESSAGE FROM THE GOVERNOR**

The following appointments were transmitted by the Honorable Mark C. Sanford:

**Statewide Appointments**

Initial Appointment, Commission on Women, with the term to commence October 14, 2007, and to expire October 14, 2011

At-Large:

Cindy F. Costa, 909 Parrot Creek Way, Charleston, SC 29412 *VICE*  
Michelle Hardy

Referred to the Committee on Judiciary.

**WEDNESDAY, MARCH 4, 2009**

Initial Appointment, Commission on Women, with the term to commence October 18, 2008, and to expire October 18, 2009

4th Congressional District:

Laura L. Ringo, 251 West Hampton Ave., Spartanburg, SC 29306  
*VICE* New Seat

Referred to the Committee on Judiciary.

Reappointment, South Carolina Commission on Consumer Affairs, with the term to commence August 30, 2009, and to expire August 30, 2013

At-Large:

David R. Campbell, 1425 Medway Road, Columbia, SC 29205

Referred to the Committee on Banking and Insurance.

Reappointment, South Carolina Mental Health Commission, with the term to commence July 31, 2008, and to expire July 31, 2013

5th Congressional District:

Alison Y. Evans, 612 West Home Ave., Hartsville, SC 29550

Referred to the Committee on Medical Affairs.

Reappointment, South Carolina Mental Health Commission, with the term to commence March 21, 2009, and to expire March 21, 2014

1st Congressional District:

Joan Moore, 110 Kennington Dr., Goose Creek, SC 29445

Referred to the Committee on Medical Affairs.

Reappointment, South Carolina Mental Health Commission, with the term to commence March 21, 2009, and to expire March 21, 2014

At-Large:

Everard O. Rutledge, 2911 Winners Circle, Charleston, SC 29414

Referred to the Committee on Medical Affairs.

**WEDNESDAY, MARCH 4, 2009**

Initial Appointment, South Carolina Mental Health Commission, with the term to commence March 21, 2004, and to expire March 21, 2009

At-Large:

Everard O. Rutledge, 2911 Winners Circle, Charleston, SC 29414  
*VICE* Harold E. Cheatham

Referred to the Committee on Medical Affairs.

Reappointment, State Human Affairs Commission, with the term to commence June 30, 2008, and to expire June 30, 2011

1st Congressional District:

Cheryl F. C. Ludlam, 134 Hidden Fawn Circle, Goose Creek, SC 29445

Referred to the Committee on Judiciary.

#### **Local Appointments**

Initial Appointment, Jasper County Magistrate, with the term to commence April 30, 2006, and to expire April 30, 2010

Catherine D. Badgett, P. O. Box 2020, Ridgeland, SC 29936 *VICE*  
David Matthews

Reappointment, York County Magistrate, with the term to commence April 30, 2007, and to expire April 30, 2011

Clifford E. Berinsky, 529 South Cherry Rd., Rock Hill, SC 29732

Reappointment, York County Master-in-Equity, with the term to commence June 30, 2009, and to expire June 30, 2015

S. Jackson Kimball, III, 2153 Mingus Lane, York, SC 29745

#### **Message from the House**

Columbia, S.C., March 3, 2009

Mr. President and Senators:

The House respectfully informs your Honorable Body that it has confirmed the appointment:

#### **Local Appointment**

**WEDNESDAY, MARCH 4, 2009**

Reappointment, York County Master-in-Equity, with the term to commence June 30, 2009, and to expire June 30, 2015

S. Jackson Kimball, III, 2153 Mingus Lane, York, SC 29745

Very respectfully,  
Speaker of the House  
Received as information.

**Doctor of the Day**

Senator LEATHERMAN introduced Dr. Conyers O'Bryan, Doctor of the Day, who was accompanied by Mr. Melvin Berlinsky of Florence, S.C.

**Leave of Absence**

On motion of Senator WILLIAMS, at 2:05 P.M., Senator MATTHEWS was granted a leave of absence for today.

**Leave of Absence**

On motion of Senator LOURIE, at 2:57 P.M., Senator SHEHEEN was granted a leave of absence for today.

**CO-SPONSORS ADDED**

The following co-sponsors were added to the respective Bills:

S. 435 Sens. Nicholson, Elliott  
S. 379 Sens. O'Dell, Nicholson  
S. 424 Sen. O'Dell  
S. 319 Sen. Hayes  
S. 478 Sen. S. Martin  
S. 424 Sen. Bryant  
S. 435 Sen. Anderson  
S. 269 Sen. Lourie  
S. 456 Sens. Grooms, Campbell

**CO-SPONSOR REMOVED**

The following co-sponsor was removed from the respective Bill:

S. 437 Sen. Shoopman

**INTRODUCTION OF BILLS AND RESOLUTIONS**

The following were introduced:

**WEDNESDAY, MARCH 4, 2009**

S. 515 -- Senator L. Martin: A SENATE RESOLUTION TO CONGRATULATE AND HONOR JANEEY TURNER AS A RECIPIENT OF A PRUDENTIAL SPIRIT OF COMMUNITY AWARD, TO RECOGNIZE HER OUTSTANDING RECORD OF VOLUNTEER SERVICE, PEER LEADERSHIP, AND COMMUNITY SPIRIT, AND EXTEND BEST WISHES FOR HER CONTINUED SUCCESS AND HAPPINESS.

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The Senate Resolution was adopted.

S. 516 -- Senator Cromer: A BILL TO AMEND SECTION 38-1-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO DEFINITIONS USED IN TITLE 38 PERTAINING TO INSURANCE, SO AS TO ADD THE DEFINITIONS OF "GENERAL APPOINTMENT", "LOCAL APPOINTMENT", "SPECIAL APPOINTMENT", "CROP INSURANCE", AND "TRAVEL INSURANCE", CORRECT ARCHAIC LANGUAGE, AND MAKE CONFORMING AMENDMENTS; TO AMEND SECTION 38-39-20, RELATING TO PREMIUM SERVICE COMPANIES, SO AS TO PROVIDE THAT THE FEE FOR LICENSURE TO ENGAGE IN SERVICING INSURANCE PREMIUMS IN THIS STATE IS DUE ON A BIENNIAL BASIS RATHER THAN ON AN ANNUAL BASIS; TO AMEND SECTION 38-43-80, AS AMENDED, RELATING TO LICENSE FEES FOR INSURANCE PRODUCERS AND AGENCIES, SO AS TO PROVIDE FOR A BIENNIAL PRODUCER LICENSE RENEWAL FEE OF TWENTY-FIVE DOLLARS, INCREASE THE INITIAL PRODUCER LICENSE RENEWAL FEE FROM TWENTY DOLLARS TO TWENTY-FIVE DOLLARS, AND PROVIDE FOR THE REQUIREMENTS RELATING TO THE PAYMENT OF APPOINTMENT FEES; TO AMEND SECTION 38-43-106, AS AMENDED, RELATING TO CONTINUING EDUCATION REQUIREMENTS FOR INSURANCE PRODUCERS, SO AS TO PROVIDE THAT THE BIENNIAL COMPLIANCE PERIOD IS BASED ON THE LICENSEE'S MONTH AND YEAR OF BIRTH; TO AMEND SECTION 38-43-110, AS AMENDED, RELATING TO THE DURATION OF AN INSURANCE PRODUCER'S LICENSE, SO AS TO PROVIDE THAT INDIVIDUAL LICENSES MUST BE RENEWED BIENNIALY BASED ON THE LICENSEE'S MONTH AND YEAR OF BIRTH AND PROVIDE FOR THE

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REQUIREMENTS RELATING TO RENEWAL; TO AMEND SECTION 38-43-200, AS AMENDED, RELATING TO THE PROHIBITION ON SPLITTING COMMISSIONS WITH AN UNLICENSED PERSON BY AN INSURANCE PRODUCER, SO AS TO DELETE THE EXISTING PROVISIONS AND PROVIDE FOR THE REQUIREMENTS RELATING TO THE SPLITTING AND SHARING OF COMMISSIONS; TO AMEND SECTION 38-45-10, RELATING TO THE DEFINITIONS OF AN INSURANCE BROKER, SO AS TO PROVIDE FOR THE QUALIFYING DUTIES AND PROVIDE FOR EXCEPTIONS; AND TO AMEND SECTION 38-45-20, AS AMENDED, RELATING TO THE REQUIREMENTS FOR LICENSURE AS AN INSURANCE BROKER, SO AS TO DELETE THE REQUIREMENTS THAT A BROKER HOLD AT LEAST ONE APPOINTMENT.

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Read the first time and referred to the Committee on Banking and Insurance.

S. 517 -- Senators Davis, Bright, Shoopman, Ryberg, Bryant, Mulvaney, Fair, Peeler and Rose: A JOINT RESOLUTION TO PROVIDE THAT NO STATE AGENCY, DEPARTMENT, OR ENTITY, BY REGULATION OR OTHERWISE, MAY ADMINISTRATIVELY INCREASE OR IMPLEMENT A FEE FOR PERFORMING A SERVICE OR FUNCTION, OR A CIVIL PENALTY OR FINE FOR FAILURE TO COMPLY WITH A REQUIREMENT OR PROVISION OF LAW UNDER ITS JURISDICTION WITHOUT THE SPECIFIC APPROVAL OF THE INCREASE OR NEW FEE, FINE, OR PENALTY BY THE GENERAL ASSEMBLY BY CONCURRENT RESOLUTION; TO PROVIDE THAT APPROVAL BY THE GENERAL ASSEMBLY BY JOINT RESOLUTION OF A REGULATION OF A STATE AGENCY OR DEPARTMENT UNDER THE ADMINISTRATIVE PROCEDURES ACT WHEREIN A FEE, FINE, OR PENALTY INCREASE OR IMPOSITION IS CONTAINED DOES NOT CONSTITUTE APPROVAL UNDER THE REQUIREMENTS OF THIS SECTION, AND IF AN INCREASE OR IMPLEMENTATION IS CONTAINED IN THAT JOINT RESOLUTION, THE INCREASE OR IMPLEMENTATION IS NULL AND VOID; TO PROVIDE CERTAIN EXCEPTIONS; AND TO PROVIDE FOR THE DURATION OF THIS PROVISION

[SJ]

**WEDNESDAY, MARCH 4, 2009**

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Read the first time and referred to the Committee on Finance.

S. 518 -- Senators Elliott and Reese: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 12-37-3135 SO AS TO EXEMPT AN AMOUNT OF FAIR MARKET OF A PARCEL OF REAL PROPERTY AND IMPROVEMENTS THEREON AS DETERMINED BY THE APPRAISAL RESULTING FROM AN ASSESSABLE TRANSFER OF INTEREST SUFFICIENT TO LIMIT ANY INCREASE IN THE FAIR MARKET VALUE OF THE PARCEL TO FIFTEEN PERCENT OF ITS VALUE ON THE ASSESSOR'S BOOKS, TO PROVIDE THAT FAIR MARKET VALUE WHEN REDUCED BY THIS EXEMPTION IS THE VALUE TO WHICH THE CONSTITUTIONAL CAP ON INCREASES TO FIFTEEN PERCENT OVER FIVE YEARS APPLIES, TO PROVIDE THAT THIS EXEMPTION CONTINUES UNTIL THE PROPERTY UNDERGOES A SUBSEQUENT ASSESSABLE TRANSFER OF INTEREST AND PROVIDE THAT THIS EXEMPTION DOES NOT APPLY TO PREVIOUSLY UNTAXED ADDITIONS OR IMPROVEMENTS; TO AMEND SECTION 12-37-3140, AS AMENDED, RELATING TO VALUATION OF REAL PROPERTY FOR PURPOSES OF THE SOUTH CAROLINA REAL PROPERTY VALUATION REFORM ACT, SO AS TO MAKE A CONFORMING AMENDMENT, TO REQUIRE THE PROPERTY TAX ASSESSOR TO APPLY THE EXEMPTION ALLOWED BY THIS EXEMPTION TO FAIR MARKET VALUE DETERMINED AT THE TIME OF ASSESSABLE TRANSFERS OF INTEREST OCCURRING IN 2007, 2008, AND IN 2009 BEFORE THE EFFECTIVE DATE OF THIS ACT, AND TO PROVIDE THAT NO REFUND IS ALLOWED BASED ON THOSE ADJUSTED VALUES.

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Senator ELLIOTT spoke on the Bill.

Read the first time and referred to the Committee on Finance.

S. 519 -- Senators Setzler, L. Martin, Reese, Anderson and Nicholson: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAY MISSED BY STUDENTS RESIDING IN SCHOOL DISTRICTS THAT CLOSED DUE TO SNOW ON MARCH 2, 2009,

[SJ]



**WEDNESDAY, MARCH 4, 2009**

IS EXEMPT FROM THE MAKE-UP REQUIREMENT THAT FULL SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

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Senator SETZLER spoke on the Resolution.

Read the first time and, on motion of Senator SETZLER, with unanimous consent, S. 519 was ordered placed on the Calendar without reference.

S. 520 -- Senators Ford, Bryant, Thomas, Davis, Bright, Fair and Ryberg: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, SO AS TO ENACT THE "SOUTH CAROLINA EDUCATIONAL OPPORTUNITY ACT" BY ADDING ARTICLE 6 TO CHAPTER 63, TITLE 59 SO AS TO PROVIDE THAT A STUDENT IS ELIGIBLE TO RECEIVE A SCHOLARSHIP OR TUITION GRANT AND A PERSON WHO PAYS TUITION FOR THAT STUDENT IS ELIGIBLE FOR A TAX CREDIT FOR THE PAYMENT OF THAT TUITION UPON CERTAIN CONDITIONS; TO ALLOW A TAX CREDIT FOR A PERSON WHO PAID TUITION FOR A QUALIFYING STUDENT TO ATTEND AN INDEPENDENT OR PUBLIC SCHOOL UPON CERTAIN CONDITIONS DURING THE FIRST THREE FISCAL YEARS AFTER THE ENACTMENT OF THIS ACT, TO ALLOW A TAX CREDIT FOR A PERSON WHO PAID TUITION FOR ANY STUDENT WHO IS ENROLLED IN GRADES TWO THROUGH FOUR IN AN INDEPENDENT OR PUBLIC SCHOOL FOR THE FOURTH YEAR AFTER THE ENACTMENT OF THIS ACT, AND TO ALLOW A TAX CREDIT FOR A PERSON WHO PAID TUITION FOR ANY STUDENT ENROLLED IN ANY GRADE IN AN INDEPENDENT OR PUBLIC SCHOOL FOR EVERY FISCAL YEAR THEREAFTER; TO PROVIDE TERMS AND CONDITIONS OF THE TAX CREDIT, TO PROVIDE THAT THE TAX CREDIT MAY BE CARRIED FORWARD AND APPLIED PROSPECTIVELY FOR UP TO FIVE YEARS; TO ALLOW A TAX CREDIT OF UP TO ONE THOUSAND DOLLARS PER STUDENT FOR A PERSON WHO TEACHES HIS STUDENT AT HOME; TO ALLOW A TAX CREDIT FOR A PERSON OR CORPORATION FOR A CONTRIBUTION MADE TO A STUDENT SCHOLARSHIP ORGANIZATION UPON CERTAIN TERMS AND CONDITIONS;

[SJ]

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TO PROVIDE REQUIREMENTS THAT AN INDEPENDENT SCHOOL MUST MEET IN ORDER TO ACCEPT STUDENTS PURSUANT TO THIS ARTICLE; TO REQUIRE PARTICIPATING SCHOOLS TO ADMINISTER CERTAIN ASSESSMENT TESTS; TO REQUIRE A FAILING SCHOOL TO NOTIFY PARENTS AND GUARDIANS OF STUDENTS ENROLLED IN THE SCHOOL OF ITS FAILING STATUS; TO ALLOW THE DEPARTMENT OF REVENUE TO PROMULGATE REGULATIONS AND MAKE INVESTIGATIONS IN ACCORDANCE WITH THIS ARTICLE; TO REQUIRE THE STATE BUDGET AND CONTROL BOARD ANNUALLY TO REPORT ON THE FISCAL IMPACT OF THIS ARTICLE, AND TO SPECIFY WHAT MUST BE INCLUDED IN THE REPORT; TO REQUIRE THE STATE BUDGET AND CONTROL BOARD TO UNDERTAKE A LONG-TERM EVALUATION OF THE IMPACT OF THE ARTICLE, AND TO SPECIFY WHAT MUST BE INCLUDED IN THE EVALUATION, AND TO DEFINE CERTAIN TERMS; AND BY ADDING SECTION 12-6-3383 SO AS TO CREATE THE TAX CREDIT AND REFERENCE ITS TERMS AND CONDITIONS.

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Read the first time and referred to the Committee on Education.

S. 521 -- Senators Grooms, Rankin and Campbell: A BILL TO ENACT THE "TRANSPORTATION INFRASTRUCTURE FUNDING FLEXIBILITY ACT", BY AMENDING CHAPTER 3, TITLE 57 OF THE 1976 CODE, RELATING TO THE STATE HIGHWAY SYSTEM, BY ADDING ARTICLE 3 TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION MAY SOLICIT PROPOSALS FOR PUBLIC-PRIVATE INITIATIVES FROM PRIVATE ENTITIES, TO PROVIDE FOR THE PROPOSAL REQUEST AND SUBMISSION PROCESS, TO PROVIDE FOR THE PROCESS OF SELECTING A PRIVATE ENTITY TO PARTICIPATE IN A PUBLIC-PRIVATE INITIATIVE, TO PROVIDE FOR INTERIM AND COMPREHENSIVE AGREEMENTS TO CARRY OUT THE TERMS OF THE PUBLIC-PRIVATE INITIATIVE, TO PROVIDE REQUIREMENTS FOR INTERIM AND COMPREHENSIVE AGREEMENTS, TO PROVIDE FOR PERMISSIBLE FINANCING OF THE PUBLIC-PRIVATE INITIATIVE, TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION MAY EXERCISE THE POWER OF EMINENT

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DOMAIN IN CONJUNCTION WITH A PUBLIC-PRIVATE INITIATIVE; TO AMEND CHAPTER 3, TITLE 57, BY ADDING ARTICLE 9, TO PROVIDE THAT TOLLS MAY NOT BE IMPOSED ON FEDERAL INTERSTATE HIGHWAYS UNLESS APPROVED BY THE GENERAL ASSEMBLY, TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION MAY IMPOSE A TOLL ON INTERSTATE 73, TO PROVIDE THAT TOLLS IMPOSED AND COLLECTED ON A PROJECT MUST BE USED ONLY TO PAY COSTS ASSOCIATED WITH THE TOLL ROAD AND TO DEFINE THE TERM "TOLLS ASSOCIATED WITH THE TOLL ROAD", TO PROVIDE THAT A PERSON WHO FAILS TO PAY A TOLL IS GUILTY OF A MISDEMEANOR AND TO PROVIDE PUNISHMENT FOR VIOLATIONS, TO PROVIDE FOR AN ELECTRONIC TOLLING SYSTEM; TO AMEND SECTION 15-5-1660, TO PROVIDE FOR PERFORMANCE AND PAYMENT BONDS FROM PRIVATE ENTITIES ENGAGED IN A PUBLIC-PRIVATE INITIATIVE; TO AMEND SECTION 57-3-200, TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION MAY REFINANCE PUBLIC-PRIVATE INITIATIVES AND SPECIFY WHICH ACTIVITIES MAY BE INCLUDED IN A REFINANCE; TO AMEND SECTION 57-5-1310, TO PROVIDE THAT THE DEPARTMENT OF TRANSPORTATION MAY USE TURNPIKE BONDS TO FINANCE IMPROVEMENTS ON ROADS; TO AMEND SECTION 57-5-1320, TO PROVIDE THAT THE DEFINITION OF "TURNPIKE FACILITY" INCLUDES PORTIONS OF HIGHWAYS IN ADDITION TO ALL OF A HIGHWAY AND TO PROVIDE THAT THE DEFINITION INCLUDES ADDITIONAL LANES OR CAPACITY ADDED TO AN EXISTING TURNPIKE FACILITY; TO AMEND SECTION 57-5-1330, TO PROVIDE THE DEPARTMENT OF TRANSPORTATION WITH MORE FLEXIBILITY IN WHAT MAY BE DESIGNATED, PLANNED, IMPROVED, CONSTRUCTED, MAINTAINED, OPERATED, OR REGULATED AS A TURNPIKE FACILITY; AND TO REPEAL SECTIONS 12-28-2920, 57-3-615, 57-3-618, 57-5-1490, AND 57-5-1495.

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Senator GROOMS spoke on the Bill.

Read the first time and referred to the Committee on Transportation.

[SJ]

**WEDNESDAY, MARCH 4, 2009**

S. 522 -- Senator Ford: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59-29-155 SO AS TO REQUIRE ONE SEMESTER OF CIVICS AND GEOGRAPHY INSTRUCTION DURING THE FIFTH GRADE, EIGHTH GRADE, AND ELEVENTH GRADE ACADEMIC YEARS.

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Read the first time and referred to the Committee on Education.

S. 523 -- Senators Bright, S. Martin and Reese: A SENATE RESOLUTION TO RECOGNIZE AND CONGRATULATE THE JAMES F. BYRNES HIGH SCHOOL VARSITY FOOTBALL TEAM FOR ITS REMARKABLE SEASON AND STELLAR SUCCESS IN CAPTURING THE 2008 CLASS AAAA DIVISION I STATE CHAMPIONSHIP FOOTBALL TITLE, AND TO HONOR THE ACCOMPLISHMENTS OF THE PLAYERS, COACHES, AND STAFF.

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The Senate Resolution was adopted.

S. 524 -- Senators Malloy, Leatherman, S. Martin and Land: A CONCURRENT RESOLUTION TO EXPRESS THE LONG-HELD BELIEF OF THE GENERAL ASSEMBLY THAT NASCAR RACING IS AN INTEGRAL AND VITAL PART OF THE STATE OF SOUTH CAROLINA AND ITS ECONOMY AND TO RECOGNIZE THE DARLINGTON RACEWAY AS ONE OF OUR STATE'S MOST TREASURED ATTRACTIONS AND NASCAR RACING AS A SIGNIFICANT PART OF OUR STATE'S RICH HISTORY, AND TO NAME THE WEEK OF MAY 4, 2009 THROUGH MAY 10, 2009, "DARLINGTON RACEWAY WEEK, THE WEEK TOO TOUGH TO TAME".

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On motion of Senator MALLOY, with unanimous consent, the Concurrent Resolution was introduced and ordered placed on the Calendar without reference.

S. 525 -- Senators Knotts, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Mulvaney, Nicholson, O'Dell, Peeler, Pinckney,

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Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO HONOR AND REMEMBER THE SUPREME SACRIFICE MADE BY SERGEANT DAVID L. LEIMBACH OF THE SOUTH CAROLINA ARMY NATIONAL GUARD WHILE HE WAS SERVING A TOUR OF MILITARY DUTY IN AFGHANISTAN, AND TO EXPRESS TO HIS FAMILY THE DEEPEST APPRECIATION OF A GRATEFUL STATE AND NATION FOR HIS LIFE, SACRIFICE, AND SERVICE.

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The Concurrent Resolution was adopted, ordered sent to the House.

S. 526 -- Senators Knotts, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Mulvaney, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO HONOR AND REMEMBER THE SUPREME SACRIFICE MADE BY MASTER SERGEANT DANNY E. MAYBIN OF THE UNITED STATES ARMY WHILE HE WAS SERVING A TOUR OF MILITARY DUTY IN KUWAIT, AND TO EXPRESS TO HIS FAMILY THE DEEPEST APPRECIATION OF A GRATEFUL STATE AND NATION FOR HIS LIFE, SACRIFICE, AND SERVICE.

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The Concurrent Resolution was adopted, ordered sent to the House.

S. 527 -- Senators Knotts, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Mulvaney, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO HONOR AND REMEMBER THE SUPREME SACRIFICE MADE BY STAFF SERGEANT RONALD PHILLIPS, JR., OF THE UNITED STATES ARMY WHILE HE WAS SERVING A TOUR OF MILITARY DUTY IN IRAQ, AND TO EXPRESS TO HIS FAMILY

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THE DEEPEST APPRECIATION OF A GRATEFUL STATE AND NATION FOR HIS LIFE, SACRIFICE, AND SERVICE.

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The Concurrent Resolution was adopted, ordered sent to the House.

S. 528 -- Senators Knotts, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Mulvaney, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO HONOR AND REMEMBER THE SUPREME SACRIFICE MADE BY CAPTAIN RICHARD G. CLIFF, JR., OF THE UNITED STATES ARMY WHILE HE WAS SERVING A TOUR OF MILITARY DUTY IN AFGHANISTAN, AND TO EXPRESS TO HIS FAMILY THE DEEPEST APPRECIATION OF A GRATEFUL STATE AND NATION FOR HIS LIFE, SACRIFICE, AND SERVICE.

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The Concurrent Resolution was adopted, ordered sent to the House.

S. 529 -- Senators Knotts, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Mulvaney, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO HONOR AND REMEMBER THE SUPREME SACRIFICE MADE BY STAFF SERGEANT MATTHEW J. TAYLOR OF THE UNITED STATES ARMY WHILE HE WAS SERVING A TOUR OF MILITARY DUTY IN IRAQ, AND TO EXPRESS TO HIS FAMILY THE DEEPEST APPRECIATION OF A GRATEFUL STATE AND NATION FOR HIS LIFE, SACRIFICE, AND SERVICE.

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The Concurrent Resolution was adopted, ordered sent to the House.

S. 530 -- Senators Knotts, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Land, Leatherman,

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Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Mulvaney, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO HONOR AND REMEMBER THE SUPREME SACRIFICE MADE BY SERGEANT ADAM M. WENGER OF THE UNITED STATES ARMY WHILE HE WAS SERVING A TOUR OF MILITARY DUTY IN IRAQ, AND TO EXPRESS TO HIS FAMILY THE DEEPEST APPRECIATION OF A GRATEFUL STATE AND NATION FOR HIS LIFE, SACRIFICE, AND SERVICE.

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The Concurrent Resolution was adopted, ordered sent to the House.

S. 531 -- Senator Knotts: A CONCURRENT RESOLUTION TO HONOR AND REMEMBER THE SUPREME SACRIFICE MADE BY CAPTAIN GARRETT T. LAWTON OF THE UNITED STATES MARINE CORPS WHILE HE WAS SERVING A TOUR OF MILITARY DUTY IN AFGHANISTAN, AND TO EXPRESS TO HIS FAMILY THE DEEPEST APPRECIATION OF A GRATEFUL STATE AND NATION FOR HIS LIFE, SACRIFICE, AND SERVICE.

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The Concurrent Resolution was adopted, ordered sent to the House.

H. 3067 -- Reps. Clemmons, Brady, M. A. Pitts, Merrill, Wylie, Bingham, Viers, Harrell, Owens, Nanney and Bedingfield: A BILL TO AMEND SECTION 7-11-10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO METHODS OF NOMINATING CANDIDATES, SO AS TO PROHIBIT A CANDIDATE FROM FILING MORE THAN ONE STATEMENT OF INTENTION OF CANDIDACY FOR A SINGLE ELECTION, AND TO PROHIBIT A CANDIDATE FROM BEING NOMINATED BY MORE THAN ONE POLITICAL PARTY FOR A SINGLE OFFICE IN AN ELECTION; AND TO AMEND SECTION 7-13-320, RELATING TO BALLOTS AND SPECIFICATIONS, SO AS TO PROHIBIT A CANDIDATE'S NAME FROM APPEARING ON THE BALLOT MORE THAN ONCE.

Read the first time and referred to the Committee on Judiciary.

**WEDNESDAY, MARCH 4, 2009**

H. 3270 -- Reps. Duncan, Hodges, Allison, Parker, Weeks, Wylie and Whipper: A BILL TO AMEND SECTION 44-2-60, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE REGISTRATION OF UNDERGROUND STORAGE TANKS, SO AS TO ESTABLISH NEW ANNUAL RENEWAL FEES AND TO REQUIRE THAT THE ADDITIONAL REVENUE GENERATED FROM THE TANK FEE INCREASES BE DEPOSITED INTO THE SUPERB ACCOUNT.

Read the first time and referred to the Committee on Medical Affairs.

H. 3418 -- Reps. Harrell, Simrill, Crawford, Huggins, Bedingfield, Merrill, G. R. Smith, Erickson, Ballentine, Brady, Chalk, Daning, Delleney, Frye, Gambrell, Hamilton, Harrison, Hearn, Herbkersman, Loftis, Long, Lucas, Nanney, Pinson, Rice, G. M. Smith, Spires, Stringer, Thompson, Viers, Willis, Wylie, T. R. Young, Clemmons, Owens, Parker, Toole, M. A. Pitts, Lowe, Bingham, Umphlett, Sandifer and Edge: A BILL TO AMEND SECTION 7-13-710, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PRESENTATION OF A PERSON'S PROOF OF HIS RIGHT TO VOTE, SO AS TO REQUIRE THE ELECTOR TO PRODUCE A VALID PHOTO IDENTIFICATION CARD AT THE TIME OF COSTING HIS BALLOT, TO REQUIRE A POLL MANAGER TO COMPARE THE PHOTOGRAPH ON THE REQUIRED IDENTIFICATION WITH THE PERSON PRESENTING HIMSELF TO VOTE AND VERIFY THAT THE PHOTOGRAPH IS THAT OF THE PERSON SEEKING TO VOTE.

Read the first time and referred to the Committee on Judiciary.

H. 3616 -- Rep. Simrill: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 25 TO CHAPTER 53, TITLE 59 SO AS TO PROVIDE FOR THE YORK TECHNICAL COLLEGE ENTERPRISE CAMPUS, AND TO PROVIDE FOR ITS POWERS AND DUTIES.

Read the first time and referred to the Committee on Education.

H. 3627 -- Reps. Miller and Anderson: A BILL TO AMEND SECTION 59-67-535, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE USE OF BOATS OPERATED BY THE STATE DEPARTMENT OF EDUCATION FOR THE



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TRANSPORTATION OF SCHOOL CHILDREN FROM ISLANDS TO MAINLAND SCHOOLS BY CERTAIN OTHER PERSONS, SO AS TO FURTHER PROVIDE FOR THE OPERATION OF THESE BOATS BY THE DEPARTMENT ON SANDY ISLAND, FOR USE OF THESE BOATS BY SPECIFIED PERSONS, AND THE PROCEDURES APPLICABLE FOR USE.

Read the first time and referred to the Committee on Education.

H. 3644 -- Reps. Delleney, Clemmons and Mack: A CONCURRENT RESOLUTION TO FIX NOON ON WEDNESDAY, MARCH 25, 2009, AS THE TIME TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT, AT-LARGE, SEAT 8, WHOSE TERM EXPIRES JUNE 30, 2009.

Senator McCONNELL spoke on the Resolution.

On motion of Senator McCONNELL, with unanimous consent, the Concurrent Resolution was introduced and ordered placed on the Calendar without reference.

H. 3647 -- Reps. Bales, Agnew, Alexander, Allen, Allison, Anderson, Anthony, Ballentine, Bannister, Barfield, Battle, Bedingfield, Bingham, Bowen, Bowers, Brady, Branham, Brantley, G. A. Brown, H. B. Brown, R. L. Brown, Cato, Chalk, Clemmons, Clyburn, Cobb-Hunter, Cole, Cooper, Crawford, Daning, Delleney, Dillard, Duncan, Edge, Erickson, Forrester, Frye, Funderburk, Gambrell, Gilliard, Govan, Gullick, Gunn, Haley, Hamilton, Hardwick, Harrell, Harrison, Hart, Harvin, Hayes, Hearn, Herbkersman, Hiott, Hodges, Horne, Hosey, Howard, Huggins, Hutto, Jefferson, Jennings, Kelly, Kennedy, King, Kirsh, Knight, Limehouse, Littlejohn, Loftis, Long, Lowe, Lucas, Mack, McEachern, McLeod, Merrill, Miller, Millwood, Mitchell, Moss, Nanney, J. H. Neal, J. M. Neal, Neilson, Ott, Owens, Parker, Parks, Pinson, E. H. Pitts, M. A. Pitts, Rice, Rutherford, Sandifer, Scott, Sellers, Simrill, Skelton, D. C. Smith, G. M. Smith, G. R. Smith, J. E. Smith, J. R. Smith, Sottile, Spires, Stavrinakis, Stewart, Stringer, Thompson, Toole, Umphlett, Vick, Viers, Weeks, Whipper, White, Whitmire, Williams, Willis, Wylie, A. D. Young and T. R. Young: A CONCURRENT RESOLUTION TO RECOGNIZE AND COMMEND BETTY JEAN ULMER MCGREGOR, OF RICHLAND COUNTY, AS AN EXTRAORDINARY MOTHER OF FIVE CHILDREN, AND TO

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CONGRATULATE HER UPON THE OCCASION OF BEING NAMED 2009 SOUTH CAROLINA MOTHER OF THE YEAR.

The Concurrent Resolution was adopted, ordered returned to the House.

**REPORTS OF STANDING COMMITTEES**

Senator MALLOY from the Committee on Judiciary submitted a favorable report on:

S. 118 -- Senator Knotts: A BILL TO AMEND SECTION 22-5-190, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ENDORSEMENT AND EXECUTION OF WARRANTS ISSUED IN OTHER COUNTIES OR BY MUNICIPAL AUTHORITIES, SO AS TO PROVIDE A WARRANT IS NOT REQUIRED TO BE ENDORSED BY A MAGISTRATE IN THE COUNTY WHERE A PERSON CHARGED WITH A CRIME RESIDES OR WHERE HE IS LOCATED, TO PROVIDE PROCEDURES FOR SERVING A WARRANT, AND TO MAKE CONFORMING CHANGES.

Ordered for consideration tomorrow.

Senator L. MARTIN from the Committee on Judiciary submitted a favorable with amendment report on:

S. 186 -- Senators McConnell and Campsen: A BILL TO AMEND SECTION 15-77-300, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ALLOWANCE OF ATTORNEY'S FEES IN STATE-INITIATED ACTIONS, SO AS TO LIMIT THE FEE TO A REASONABLE TIME EXPENDED AT A REASONABLE RATE.

Ordered for consideration tomorrow.

**HOUSE CONCURRENCES**

S. 508 -- Senators Knotts, Alexander, Anderson, Bright, Bryant, Campbell, Campsen, Cleary, Coleman, Courson, Cromer, Davis, Elliott, Fair, Ford, Grooms, Hayes, Hutto, Jackson, Land, Leatherman, Leventis, Lourie, Malloy, L. Martin, S. Martin, Massey, Matthews, McConnell, McGill, Mulvaney, Nicholson, O'Dell, Peeler, Pinckney, Rankin, Reese, Rose, Ryberg, Scott, Setzler, Sheheen, Shoopman, Thomas, Verdin and Williams: A CONCURRENT RESOLUTION TO CONGRATULATE MARTHA HELEN KENNEDY, OF LEXINGTON COUNTY, ON THE OCCASION OF HER ONE HUNDREDTH BIRTHDAY, AND TO WISH HER A JOYOUS

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BIRTHDAY CELEBRATION AND MANY MORE YEARS OF HEALTH AND HAPPINESS.

Returned with concurrence.

Received as information.

S. 514 -- Senators McConnell, Ford and Knotts: A CONCURRENT RESOLUTION TO FIX NOON ON WEDNESDAY, MARCH 25, 2009, AS THE TIME TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT, AT-LARGE, SEAT 8, WHOSE TERM EXPIRES JUNE 30, 2009.

Returned with concurrence.

Received as information.

**THE SENATE PROCEEDED TO A CALL OF THE UNCONTESTED LOCAL AND STATEWIDE CALENDAR.**

### **THIRD READING BILLS**

The following Bill and Joint Resolution were read the third time and ordered sent to the House of Representatives:

S. 461 -- Medical Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF CONSUMER AFFAIRS, RELATING TO LICENSING STANDARDS FOR CONTINUING CARE RETIREMENT COMMUNITIES, DESIGNATED AS REGULATION DOCUMENT NUMBER 3204, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

S. 487 -- Senators Bright, Reese and S. Martin: A BILL TO AMEND ACT 612 OF 1984, RELATING TO THE METHOD OF CONDUCTING ELECTIONS FOR MEMBERS OF THE SCHOOL DISTRICT BOARDS OF TRUSTEES IN SPARTANBURG COUNTY, TO REDUCE THE NUMBER OF QUALIFIED ELECTORS THAT MUST SIGN A PETITION FOR A PERSON TO PLACE HIS NAME AS A CANDIDATE ON THE BALLOT.

### **SECOND READING BILLS**

The following Bills and Joint Resolutions, having been read the second time, were ordered placed on the Third Reading Calendar:

**WEDNESDAY, MARCH 4, 2009**

S. 449 -- Senator Fair: A BILL TO CHANGE THE NAME OF THE WESTERN CAROLINA REGIONAL SEWER AUTHORITY TO RENEWABLE WATER RESOURCES.

**S. 449--Ordered to a Third Reading**

On motion of Senator FAIR, S. 449 was ordered to receive a third reading on Thursday, March 5, 2009.

S. 97 -- Senators Leventis, Land and Malloy: A BILL TO AMEND SECTION 59-53-1410 OF THE 1976 CODE, RELATING TO THE CENTRAL CAROLINA TECHNICAL COLLEGE COMMISSION, TO PROVIDE AN ADDITIONAL MEMBER FROM CLARENDON COUNTY AND AN ADDITIONAL MEMBER FROM KERSHAW COUNTY.

S. 488 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO CHARTER SCHOOL APPEALS, DESIGNATED AS REGULATION DOCUMENT NUMBER 4028, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

Senator HAYES explained the Joint Resolution.

S. 489 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO ASSESSMENT PROGRAM, DESIGNATED AS REGULATION DOCUMENT NUMBER 4029, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

S. 490 -- Education Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE STATE BOARD OF EDUCATION, RELATING TO PROGRAM FOR ASSISTING, DEVELOPING, AND EVALUATING PRINCIPAL PERFORMANCE (PADEPP), DESIGNATED AS REGULATION DOCUMENT NUMBER 4027, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

S. 499 -- Medical Affairs Committee: A JOINT RESOLUTION TO APPROVE REGULATIONS OF THE DEPARTMENT OF HEALTH

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AND ENVIRONMENTAL CONTROL, RELATING TO SOUTH CAROLINA TRAUMA SYSTEM, DESIGNATED AS REGULATION DOCUMENT NUMBER 3199, PURSUANT TO THE PROVISIONS OF ARTICLE 1, CHAPTER 23, TITLE 1 OF THE 1976 CODE.

**READ THE SECOND TIME**

S. 110 -- Senator Malloy: A BILL TO AMEND SECTION 59-150-210, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE EDUCATION LOTTERY ACT, TO PERMIT THE SALE OF LOTTERY TICKETS ON GENERAL OR PRIMARY ELECTION DAYS.

The Senate proceeded to a consideration of the Bill, the question being the second reading of the Bill.

The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 34; Nays 7**

**AYES**

Alexander	Anderson	Campbell
Campsen	Cleary	Coleman
Courson	Cromer	Davis
Elliott	Fair	Ford
Grooms	Hayes	Hutto
Knotts	Land	Leatherman
Leventis	Lourie	Malloy
<i>Martin, L.</i>	McConnell	McGill
Mulvaney	Nicholson	Peeler
Pinckney	Rankin	Reese
Rose	Scott	Setzler
Williams		

**Total--34**

**NAYS**

Bright	Bryant	<i>Martin, S.</i>
Massey	Shoopman	Thomas
Verdin		

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**Total--7**

The Bill was read the second time, passed and ordered to a third reading.

**Statement by Senator JACKSON**

I was out of the Chamber at the time the votes were taken, and had I been present, I would have voted against the second reading of S. 110.

**PROPOSED AMENDMENT WITHDRAWN  
AMENDED, READ THE SECOND TIME**

S. 146 -- Senators Campsen, Rose and Ford: A BILL TO AMEND THE 1976 CODE BY ADDING SECTION 20-3-240 TO ENACT THE "FAMILY COURT FINANCIAL PRIVACY ACT" TO PROVIDE THAT A FINANCIAL DECLARATION MADE A PART OF THE RECORD IN A MATTER BEFORE THE FAMILY COURT MUST BE SEALED, TO PROVIDE ACCESS TO A FINANCIAL DECLARATION UPON REQUEST ONLY BY THE PARTIES, THE COURT AND PERSONNEL OF THE COURT, AND THE CHILD SUPPORT ENFORCEMENT DIVISION OF THE DEPARTMENT OF SOCIAL SERVICES, AND TO PROHIBIT OTHER ACCESS EXCEPT UPON ORDER OF THE COURT FOR GOOD CAUSE SHOWN; AND TO AMEND SECTION 30-4-40, RELATING TO EXEMPTIONS FROM THE FREEDOM OF INFORMATION ACT, TO EXEMPT FINANCIAL DECLARATIONS IN MATTERS BEFORE THE FAMILY COURT EXCEPT ON ORDER OF THE COURT FOR GOOD CAUSE SHOWN.

The Senate proceeded to a consideration of the Bill, the question being the adoption of the previously proposed amendment by Senator MALLOY and printed in journal of March 3, 2009.

Senator MALLOY asked unanimous consent to withdraw the previously proposed amendment.

There was no objection and the amendment was withdrawn.

Senator MALLOY proposed the following amendment (JUD0146.001), which was adopted:

Amend the bill as and if amended, by striking all after the enacting language and inserting therein the following:

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/ SECTION 1. This act may be cited as the “Family Court Financial Privacy Act”.

SECTION 2. Article 1, Chapter 3, Title 20 of the 1976 Code is amended by adding:

“Section 20-3-240. (A) For purposes of this subsection, ‘financial declaration forms’ means financial declaration forms provided by the family court and containing only financial declarations. ‘Financial declaration supporting documents’ means all financial documents attached to financial declaration forms and made a part of the court record.

(B) Financial declaration forms shall not be sealed, except on order of the court upon good cause shown.

(C) The clerk of court shall seal all financial declaration supporting documents that are made a part of the court record in any matter before the family court. In the pending action or a subsequent action involving any party to the pending action, the parties, their attorneys, the family court judge and the judge’s staff, the clerk of court and the clerk’s staff, and the Child Support Enforcement Division of the Department of Social Services shall be granted access to the financial declaration supporting documents upon request to the clerk of court without filing any motion. No other person shall unseal or be granted access to financial declaration supporting documents except on order of the court upon good cause shown.

(D) No cause of action may be brought against a clerk of court or the clerk’s staff for granting access to financial declaration supporting documents made a part of the court record in any matter before the family court to a person other than described in subsection (C) of this section, unless the granting of such access was willful, knowing, reckless, or grossly negligent.”

SECTION 3. Section 30-4-40 of the 1976 Code is amended by adding an appropriately lettered subsection at the end to read:

“( ) Financial declaration supporting documents that are made a part of the court record in any matter before the family court are exempt from disclosure except as provided for in Section 20-3-240.”

SECTION 4. This act takes effect upon approval by the Governor.

Renumber sections to conform.

Amend title to conform.

Senator MALLOY explained the amendment.

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The amendment was adopted.

There being no further amendments, the Bill was read the second time, passed and ordered to a third reading.

**COMMITTEE AMENDMENT AMENDED AND ADOPTED  
READ THE SECOND TIME**

S. 16 -- Senators Lourie and Elliott: A BILL TO AMEND SECTION 59-39-100 OF THE 1976 CODE, RELATING TO THE ISSUANCE OF UNIFORM DIPLOMAS, TO REQUIRE THE ISSUANCE OF HIGH SCHOOL DIPLOMAS FOR QUALIFYING VETERANS WHO SERVED IN THE UNITED STATES ARMED FORCES DURING A WAR PERIOD AS DEFINED BY THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS.

The Senate proceeded to a consideration of the Bill, the question being the adoption of the amendment proposed by the Committee on Education.

Senator HAYES proposed the following amendment (16R002.RWH), which was adopted:

Amend the Committee Amendment as and if amended, Page [16-1], by striking lines 23 - 42 and inserting:

/ SECTION 1. Section 59-39-100 of the 1976 Code is amended by adding an appropriately lettered subsection to read:

“( ) Subject to appropriations by the General Assembly and notwithstanding all other eligibility requirements for high school diplomas, upon request, an honorary high school diploma shall be awarded to any honorably discharged veteran who served in the United States Armed Forces during a War Period as defined by the United States Department of Veterans Affairs, who was enrolled in, but did not graduate from, a high school located in South Carolina prior to being inducted into the United States Armed Forces, and was unable to resume his secondary education upon returning to civilian life. The request must be made by the veteran or, in the case of a posthumous request for a deceased veteran, a member of the veteran’s immediate family. The diplomas must be issued in the name of the high school last attended by the veteran prior to his induction into the United States Armed Forces regardless of the current operational status of the high school. The South Carolina Board of Education, in consultation with the South Carolina Department of Veterans’ Affairs, shall promulgate



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administrative regulations to establish the procedures for awarding these diplomas.” /

Renumber sections to conform.

Amend title to conform.

Senator HAYES explained the amendment.

The amendment was adopted.

The Committee on Education proposed the following amendment (16R001.JL), which was adopted:

Amend the bill as and if amended, by striking SECTION 1 in its entirety and inserting:

/ SECTION 1. Section 59-39-100 of the 1976 Code is amended by adding an appropriately lettered subsection to read:

“( ) Notwithstanding all other eligibility requirements for high school diplomas, upon request, an honorary high school diploma shall be awarded to any honorably discharged veteran who served in the United States Armed Forces during a War Period as defined by the United States Department of Veterans Affairs, who was enrolled in, but did not graduate from, a high school located in South Carolina prior to being inducted into the United States Armed Forces, and was unable to resume his secondary education upon returning to civilian life. The request must be made by the veteran or, in the case of a posthumous request for a deceased veteran, a member of the veteran’s immediate family. The diplomas must be issued in the name of the high school last attended by the veteran prior to his induction into the United States Armed Forces regardless of the current operational status of the high school. The South Carolina Board of Education, in consultation with the South Carolina Department of Veterans’ Affairs, shall promulgate administrative regulations to establish the procedures for awarding these diplomas.” /

Renumber sections to conform.

Amend title to conform.

The committee amendment was adopted, as perfected.

The question then was the second reading of the Bill.

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The "ayes" and "nays" were demanded and taken, resulting as follows:

**Ayes 40; Nays 0**

**AYES**

Alexander	Anderson	Bright
Bryant	Campbell	Campsen
Cleary	Coleman	Courson
Cromer	Davis	Elliott
Fair	Ford	Grooms
Hayes	Hutto	Knotts
Leatherman	Leventis	Lourie
Malloy	<i>Martin, L.</i>	<i>Martin, S.</i>
Massey	McConnell	McGill
Mulvaney	Nicholson	Peeler
Pinckney	Rankin	Reese
Rose	Scott	Setzler
Shoopman	Thomas	Verdin
Williams		

**Total--40**

**NAYS**

**Total--0**

**PRESIDENT *Pro Tempore* PRESIDES**

At 2:52 P.M., Senator McCONNELL assumed the Chair.

The Bill was read the second time, passed and ordered to a third reading.

**Statement by Senator JACKSON**

I was out of the Chamber at the time the votes were taken, and had I been present, I would have voted in favor of second reading of S. 16.

**CARRIED OVER**

H. 3583 -- Reps. Funderburk, Lucas and Gunn: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAY MISSED ON FEBRUARY 4, 2009, BY THE STUDENTS OF MIDWAY

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ELEMENTARY, BETHUNE ELEMENTARY, MOUNT PISGAH ELEMENTARY, BARON DEKALB ELEMENTARY, NORTH CENTRAL MIDDLE, AND NORTH CENTRAL HIGH SCHOOLS WHEN THE SCHOOLS WERE CLOSED DUE TO SNOW ARE EXEMPT FROM THE MAKE-UP REQUIREMENT THAT FULL SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

On motion of Senator SETZLER, the Joint Resolution was carried over.

**LOCAL APPOINTMENTS**

**Confirmations**

Having received a favorable report from the Senate, the following appointments were confirmed in open session:

Initial Appointment, Jasper County Magistrate, with the term to commence April 30, 2006, and to expire April 30, 2010

Catherine D. Badgett, P. O. Box 2020, Ridgeland, SC 29936 *VICE*  
David Matthews

Reappointment, York County Master-in-Equity, with the term to commence June 30, 2009, and to expire June 30, 2015

S. Jackson Kimball, III, 2153 Mingus Lane, York, SC 29745

Reappointment, York County Magistrate, with the term to commence April 30, 2007, and to expire April 30, 2011

Clifford E. Berinsky, 529 South Cherry Rd., Rock Hill, SC 29732

**MOTION ADOPTED**

On motion of Senators KNOTTS and SETZLER, with unanimous consent, the Senate stood adjourned out of respect to the memory of Mr. Robert Claude Johnson of West Columbia, S.C.

**ADJOURNMENT**

At 3:05 P.M., on motion of Senator L. MARTIN, the Senate adjourned to meet tomorrow at 11:00 A.M.

\* \* \*

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